

## Message Text

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ORIGIN OES-07

INFO OCT-01 AF-10 ARA-10 EUR-12 EA-10 ISO-00 L-03  
OIC-02 IO-13 SIG-03 ACDA-12 AGRE-00 AID-05 CEA-01  
CEQ-01 CG-00 CIAE-00 COME-00 DLOS-09 DODE-00  
DOTE-00 EB-08 EPA-01 SOE-02 DOE-15 FMC-01 TRSE-00  
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P R 302336Z MAY 78  
FM SECSTATE WASHDC  
TO AMEMBASSY OTTAWA PRIORITY  
AMEMBASSY MEXICO PRIORITY  
AMEMBASSY TOKYO PRIORITY  
AMEMBASSY MANAGUA PRIORITY  
AMEMBASSY PANAMA PRIORITY  
AMEMBASSY SAN JOSE PRIORITY  
AMEMBASSY PARIS PRIORITY  
INFO AMEMBASSY QUITO  
AMEMBASSY LIMA  
AMEMBASSY GUATEMALA  
AMEMBASSY SAN SALVADOR  
AMEMBASSY TEGUCIGALPA  
AMEMBASSY BOGOTA  
AMEMBASSY SANTIAGO  
AMEMBASSY MADRID  
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AMEMBASSY CARACAS  
AMCONSUL GUAYAQUIL

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E.O. 11652: N/A

TAGS: EFIS

SUBJECT: TUNA CONSULTATIONS WITH COSTA RICA

1. SUMMARY: IN EFFORT TO DEAL WITH SITUATION CREATED BY RECENT ANNOUNCEMENT BY COSTA RICA OF INTENTION TO WITHDRAW FROM INTER-AMERICAN TROPICAL TUNA COMMISSION (IATTC), CONSULTATIONS WERE HELD BETWEEN UNITED STATES DELEGATION AND SENIOR COSTA RICAN OFFICIALS IN SAN JOSE ON MAY 25. AS A RESULT OF THESE CONSULTATIONS, COSTA RICA AGREED TO INVITE IATTC COASTAL STATES OF NICARAGUA, MEXICO, AND PANAMA IN ADDITION TO UNITED STATES TO ATTEND INFORMAL MEETING IN SAN JOSE 28, 29 AND 30 JUNE TO CONSIDER PRACTICAL MEASURES, AMONG THEM A PROPOSAL FOR REGION-WIDE LICENSING OF TUNA FISHING, WHICH WOULD THEN BE REFERRED TO AN EXTRAORDINARY INTERGOVERNMENTAL MEETING OF THE IATTC. U.S. HAS AGREED TO EXPLORE POSSIBILITY OF HOSTING SUCH INTERGOVERNMENTAL MEETING FROM 8 THROUGH 11 AUGUST AT LA JOLLA OR SAN DIEGO. OUR GOAL IN SUGGESTING THIS SPECIAL IATTC MEETING IS TO SEE IF WE CAN REACH SOME MUTUALLY AGREED MEASURES FOR 1979 SEASON, SUCH AS REGIONAL LICENSING SCHEME REFERRED TO ABOVE, WHICH WOULD INDUCE MEXICO AND COSTA RICA TO RESCIND THEIR WITHDRAWAL NOTICES AND, IN EFFECT, SAVE THIS TUNA CONSERVATION ORGANIZATION.

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2. U.S. DELEGATION HEADED BY OUR AMBASSADOR TO COSTA RICA AND INCLUDING OFA DEPUTY ASSISTANT SECRETARY NEGROPONTE, MET FOR ENTIRE DAY OF MAY 25 IN SAN JOSE WITH KEY COSTA RICAN CABINET OFFICIALS INCLUDING MINISTERS OF INTERIOR, ECONOMY AND FOREIGN AFFAIRS. PRESIDENT OF COSTA RICA PRESIDED OVER MORNING SESSION, ABSENTING HIMSELF DURING AFTERNOON AND EVENING SESSIONS WHEN COSTA RICAN MINISTER OF INTERIOR SERVED AS THEIR CHIEF SPOKESMAN.

3. PURPOSE OF MEETING WAS TO DISCUSS CURRENT TUNA FISHING SITUATION IN EASTERN PACIFIC IN LIGHT OF COSTA RICA'S UNEXPECTED SEIZURE OF TWO U.S. TUNA CLIPPERS ON APRIL 20, WHOSE RELEASE WITHOUT PENALTY ON APRIL 25 PROMPTED A MAJOR POLITICAL OUTCRY IN COSTA RICA, RESULTING ALSO IN THAT COUNTRY'S FORMAL NOTIFICATION OF INTENT TO WITHDRAW FROM IATTC CONVENTION. AT TIME OF THE NOTIFICATION, COSTA RICA ALSO INFORMED US THAT HENCEFORTH IT INTENDED TO ENFORCE ITS OWN DOMESTIC LAW WITH RESPECT TO TUNA FISHING WITHIN ITS 200-MILE ECONOMIC ZONE. FORMAL U.S. RESPONSE TO THIS COSTA RICAN STATEMENT WAS TO REAFFIRM IN A FIRM BUT NON-POLEMICAL WAY OUR LEGAL POSITION ON HIGHLY MIGRATORY TUNA; OUR BELIEF THAT U.S. TUNA BOATS ARE FISHING LEGALLY IN COSTA RICAN FISHERY CONSERVATION ZONE UNDER TERMS OF IATTC CONVENTION TO WHICH COSTA RICA STILL A PARTY AND WHOSE 1978 CONSERVATION MEASURES HAD BEEN THE SUBJECT OF SUCH DRAWN OUT NEGOTIATIONS WITH COSTA RICA;

AND U.S. VIEW THAT DIFFERING LEGAL VIEWS BETWEEN U.S. AND OTHER EASTERN PACIFIC COUNTRIES COULD BE BRIDGED THROUGH CONTINUED EFFORT AT RENEGOTIATION OF IATTC.

4. OVERALL TONE OF MAY 25 MEETING WAS BUSINESSLIKE. ALTHOUGH DIFFERENCES IN OUR LEGAL POSITIONS WERE INEVITABLY SUBJECT OF SOME DISCUSSION, BOTH SIDES AVOIDED PROLONGED DEBATE OF LEGAL ISSUES, FOCUSING INSTEAD ON PRACTICAL SITUATION CONFRONTING US. U.S. SIDE MADE CLEAR ITS VIEW THAT IF MEXICO AND COSTA RICA ACTUALLY WITHDREW FROM LIMITED OFFICIAL USE  
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IATTC BEFORE A SUCCESSOR ORGANIZATION NEGOTIATED AND BOTH STARTED TO FULLY APPLY THEIR DOMESTIC LAWS, IATTC WOULD EFFECTIVELY DISINTEGRATE. IN ABSENCE OF IATTC, USG WOULD HAVE NO BASIS FOR REGULATING U.S. TUNA FLEET BEYOND 200-MILE ZONES OF THESE COUNTRIES AND THERE WOULD BE UNRESTRICTED YEAR-ROUND TUNA FISHING IN THE EASTERN PACIFIC, WITH ATTENDANT CONSEQUENCES FOR TUNA STOCKS BOTH INSIDE AND OUTSIDE 200-MILE ZONES. FOR ITS PART, COSTA RICAN SIDE SAID IT SHARED OUR CONCERN FOR CONSERVATION OF TUNA AND WAS PREPARED TO CONSIDER RESCINDING ITS NOTICE OF INTENT TO WITHDRAW FROM IATTC, PENDING RENEGOTIATION OF OVERALL IATTC, IF SATISFACTORY INTERIM MEASURES DESIGNED TO MEET COASTAL STATE CONCERNS COULD BE NEGOTIATED FOR THE

1979 FISHING SEASON.

5. IN FOREGOING CONNECTION, DISCUSSION TURNED TO ONE OF PRINCIPAL AREAS OF COSTA RICAN CONCERN, NAMELY THAT AT PRESENT AMERICAN VESSELS HAVE BEEN FISHING WITHIN COSTA RICA'S 200-MILE ZONE WITHOUT LICENSES. U.S. SIDE EXPRESSED UNDERSTANDING OF COSTA RICAN POINT OF VIEW BUT POINTED OUT THAT BECAUSE OF ITS OWN LEGAL CONSTRAINTS COULD NOT NEGOTIATE BILATERAL LICENSING ARRANGEMENTS WITH COASTAL STATES, AS COSTA RICA AND OTHERS WOULD SO CLEARLY PREFER. WE WERE, HOWEVER, PREPARED TO NEGOTIATE A REGIONAL LICENSING SCHEME FOR THE ENTIRE IATTC REGULATORY AREA AND WE BELIEVED THAT WITH GOOD WILL ON ALL SIDES THIS COULD BE ACCOMPLISHED IN TIME FOR THE 1979 FISHING SEASON. WE POINTED OUT THAT WHILE WE HAD NOT YET FLESHED OUT DETAILS, WE WERE MEETING ON JUNE 13 AND 14 WITH OUR INDUSTRY AFTER WHICH WE WOULD BE IN POSITION TO TABLE A MORE SPECIFIC PROPOSAL. IN OUTLINE, HOWEVER, OUR SUGGESTED REGIONAL LICENSING SCHEME WOULD NOT BE TOO DIFFERENT FROM THAT  
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WHICH COSTA RICANS AND MEXICANS THEMSELVES HAD PROPOSED

AS PART OF OVERALL IATTC RENEGOTIATION AT SEPTEMBER 1977 CONFERENCE OF PLENIPOTENTIARIES IN SAN JOSE. THAT IS, FEES WOULD BE PAID BY ALL RPT ALL VESSELS DESIRING TO FISH IN IATTC REGULATORY AREA; LICENSE WOULD BE VALID FOR ENTIRE REGION; FEES WOULD GO TO IATTC, WHICH WOULD RETAIN A PORTION TO BE USED TOWARDS EXPENSES WITH LARGER PORTION BEING DISTRIBUTED BACK TO COASTAL STATES.

6. COSTA RICAN SIDE EXPRESSED INTEREST IN FOREGOING IDEAS AND SAID IT WOULD STUDY OUR PROPOSAL WITH CARE ONCE IT WAS FINALIZED. WHILE THEY CAREFULLY AVOIDED ANY COMMITMENT, THEY GAVE IMPRESSION THAT IF MUTUALLY SATISFACTORY REGIONAL LICENSING SCHEME COULD BE WORKED OUT, THEN THEY MIGHT BE PREPARED TO STAY IN IATTC ORGANIZATION. FOR OUR PART, WE MADE CLEAR OUR CONVICTION THAT SUREST AND MOST PRACTICAL WAY OF REACHING AGREED INTERNATIONAL LICENSING SCHEME IN TIME FOR 1979 SEASON WAS IN CONTEXT OF EXISTING IATTC ORGANIZATION. WE SUGGESTED THAT PERHAPS BEST WAY TO PROCEED MIGHT BE FOR U.S., MEXICO AND COSTA RICA TO CONSULT INFORMALLY FIRST TO SEE IF CONSENSUS COULD BE REACHED FOLLOWED BY CONVENING OF A SPECIAL INTERGOVERNMENTAL SESSION OF THE IATTC AT WHICH THIS AND OTHER MATTERS RELATED TO CURRENT SITUATION COULD BE DISCUSSED.

7. PICKING UP ON OUR PROPOSAL, COSTA RICANS SUGGESTED THAT, IN ADDITION TO MEXICO, INFORMAL CONSULTATIONS ALSO INCLUDE PANAMA SINCE TUNA SITUATION HAD BEEN SUBJECT OF RECENT CONVERSATIONS BETWEEN TWO COUNTRIES' PRESIDENTS. WE DID NOT OBJECT; BUT SUGGESTED IN THAT CASE THAT

NICARAGUA, AS THE OTHER IATTC LATIN COASTAL STATE IN THE REGION, ALSO BE INVITED. IT WAS THUS AGREED THAT COSTA RICA WOULD INVITE UNITED STATES, MEXICO, NICARAGUA AND PANAMA FOR A MEETING IN SAN JOSE ON JUNE 28, 29 AND 30. WE AGREED TO EXPLORE POSSIBILITY OF HOSTING LARGER IN-LIMITED OFFICIAL USE  
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FORMAL IATTC INTERGOVERNMENTAL SESSION IN EARLY AUGUST, SUBJECT TO LATER CONFIRMATION OF SPECIFIC ARRANGEMENTS. DEPT. WILL ADVISE POSTS AS SOON AS FORMAL APPROVAL OF DEPT. TO HOST MEETING HAS BEEN OBTAINED.

8. ACTIONS REQUESTED: FOR MANAGUA, MEXICO CITY AND PANAMA. DRAWING ON THE FOREGOING, HOST GOVERNMENTS SHOULD BE APPROACHED AS SOON AS POSSIBLE TO INFORM THEM OF COSTA RICA'S PLANS TO HOST INFORMAL SESSION TO DISCUSS IATTC-RELATED MATTERS IN SAN JOSE JUNE 28, 29, AND 30. THESE COUNTRIES WILL, OF COURSE, HEAR DIRECTLY FROM COSTA RICANS ON THE MATTER; BUT WE WANT THEM TO KNOW THAT WE FULLY SUPPORT THIS INITIATIVE AS BEST POSSIBLE WAY TO SEEK NEGOTIATED SOLUTION TO PRESENT IMPASSE AND AVOID COMPLETE

BREAKDOWN OF TUNA CONSERVATION ARRANGEMENTS IN EASTERN PACIFIC IN 1979. AT THAT MEETING, UNITED STATES EXPECTS THAT IT WILL BE IN POSITION TO TABLE CONCRETE PROPOSAL FOR REGIONAL LICENSING SCHEME. YOU SHOULD ALSO INFORM HOST GOVERNMENTS THAT WE ARE LOOKING AT AUGUST 8 THROUGH 11 AS TENTATIVE DATES FOR IATTC INTERGOVERNMENTAL, PROBABLY IN LA JOLLA OR SAN DIEGO.

9. FOR SAN JOSE: PLEASE KEEP IN CLOSE TOUCH WITH GOCR AS TO ITS PLANS TO HOST JUNE 28-30 MEETING, AND PLEASE ADVISE DEPT. ONCE DATES COMPLETELY FIRM AND OTHER INVOLVED GOVERNMENTS HAVE BEEN INVITED.

10. FOR OTTAWA, TOKYO, PARIS: PLEASE ADVISE HOST GOVERNMENTS OF SUBSTANCE OF FOREGOING, POINTING OUT THAT IN WAKE OF MEXICAN AND COSTA RICAN ACTIONS AND AS THE MAJOR TUNA FISHING NATION OF THE REGION WE BELIEVED IT IMPORTANT TO INITIATE NEGOTIATIONS TO RESOLVE SITUATION ON URGENT BASIS. WE WILL KEEP OTHER MEMBER GOVERNMENTS FULLY LIMITED OFFICIAL USE  
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APPRISED OF OUTCOME OF OUR MEETING WITH LATIN COASTAL STATES AND WE WILL BE IN FURTHER COMMUNICATION ABOUT DETAILS OF IATTC INTERGOVERNMENTAL MEETING. YOU MAY, HOWEVER, INDICATE THAT WE ARE TENTATIVELY LOOKING AT AUGUST 8 THROUGH 11 AS POSSIBLE DATES FOR INTERGOVERNMENTAL MEETING. WE WOULD SINCERELY HOPE THAT HOST GOVERNMENTS WILL BE REPRESENTED AT THIS SPECIAL SESSION AND SUPPORT THESE EFFORTS TO FIND A NEGOTIATED SOLUTION TO PRESENT DIFFICULTIES. VANCE

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